

United States District Court

District of New Mexico

UNITED STATES OF AMERICA

V.

Eduardo BERNAL
5832 Normont
El Paso, Texas 79912
DOB: 07/08/61
SSN: 456-27-3913

JAL COMPLAINT

CASE NUMBER: 98-1106 M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 26, 1998 in Bernalillo County, in the Judicial District of New Mexico defendant(s) did,

Knowingly and intentionally possess with intent to distribute approximately one (1) kilo of cocaine, a Schedule II Controlled Substance and Conspiracy

in violation of Title 21 United States Code, Section(s) 841 (a) (1) and 21 U.S.C. 846

I further state that I am a Special Agent and that this complaint is based on the following facts:

See Attached Affidavit.

Continued on the attached sheet and made a part hereof: XX Yes No

Rene Cerda

Signature of Complaint
Rene Cerda, Senior Special Agent

Sworn to before me and subscribed in my presence,

Don J. Svet at 2-27-98
DON J. SVET City and State

U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Robert M. Cantrell, USA

Don J. Svet
Signature of Judicial Officer

AFFIDAVIT

United States of America

V.

Martin Solis

601 Atrisco SW

Albuquerque, NM 87105

DOB: 12/05/69

SSN: 585-21-9411

United States of America

V.

Ricardo Mendez

412 Judith SW

Albuquerque, NM 87121

DOB: 05/18/71

SSN: 456-45-4945

1. On 02/26/98, at approximately 5:30 a.m., USBP Agent Stone was assigned traffic inspection duties at the U.S. Border Patrol (USBP) Checkpoint located on I-25 north of Las Cruces, New Mexico, when a citizen entered the primary inspection area and stated a vehicle had stopped short of the checkpoint. The headlights of the vehicle were visible from inside the checkpoint trailer. New Mexico State Police (NMSP) Officer Bustos and USBP Agent Stone drove out to investigate.
2. USBP Agent Stone walked up to the Toyota Corolla bearing Texas tag ZVG-24R and identified himself as a Immigration officer. USBP Agent Stone asked the driver, later identified as Sergio CAPONE, dob 2/24/72, his citizenship. CAPONE stated he was an American citizen, as did the female sitting next to him, later identified as Carolina DOMINGUEZ, dob 08/07/78.
3. USBP Agent Stone then asked why they stopped short of the checkpoint. CAPONE stated that DOMINGUEZ was going to the bathroom on the side of the road. DOMINGUEZ (who is 7 months pregnant) concurred with the statement, saying she is pregnant, and "needed to go". When asked why they had just passed a rest area equipped with bathrooms 1 mile back, neither could produce a satisfactory answer. USBP Agent Stone could find no footprints or a "wet spot" that would indicate someone relieving themselves and immediately found a roll of green duct tape located approximately 4 feet from the passenger door of the Corolla, as well as a couple of freshly-torn strips of the same type tape.
4. USBP Agent Stone instructed CAPONE to drive on to the checkpoint. Upon arriving at the checkpoint, USBP Agent Garcia asked CAPONE for permission to inspect the vehicle with a K-9, CAPONE freely consented. The K-9 immediately alerted to the front passenger seat. Due to security reasons both subjects were frisked and a bundle taped to DOMINGUEZ's lower back was found.
5. At this time both subjects were read their Miranda Rights and acknowledged their rights. The bundle was field tested and tested positive for cocaine. DOMINGUEZ stated that she was transporting the cocaine and that CAPONE had no knowledge of the drugs.
6. DOMINGUEZ said this was her third trip to Albuquerque, NM. In two prior trips to Albuquerque, NM, she had delivered approximately one kilo of cocaine to a subject she knew only as Eduardo. DOMINGUEZ agreed to deliver the kilo of cocaine to Eduardo in

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Albuquerque, NM. Eduardo was later identified as Eduardo BERNAL. DOMINGUEZ had a pager number for BERNAL and was to contact him through the pager when she arrived in Albuquerque, NM.

7. Between 10:00 a.m. and 4:00 p.m., several telephone conversations between DOMINGUEZ and Eduardo BERNAL occurred. The gist of the conversations was BERNAL asking DOMINGUEZ as to the status of DOMINGUEZ's arrival in Albuquerque, NM for the purpose of delivering the cocaine. BERNAL told DOMINGUEZ to hurry up that he had been waiting in Albuquerque, NM since Sunday. U.S. Customs agents transported DOMINGUEZ and the kilo of cocaine to Albuquerque, NM.

8. At approximately 7:35 p.m., U.S. Customs agents and DOMINGUEZ arrived at the U.S. Customs office in Albuquerque, NM. A bundle resembling the original kilo of cocaine was assembled and substituted for the original package of cocaine.

9. At approximately 9:20 p.m., DOMINGUEZ paged BERNAL. BERNAL called DOMINGUEZ and told DOMINGUEZ he would meet her, but did not give a specific time. BERNAL told DOMINGUEZ that he would be in a blue vehicle.

10. At approximately 10:08 p.m., DOMINGUEZ paged again BERNAL.

11. At approximately 10:10 p.m., BERNAL called DOMINGUEZ and told her he was about 15-20 minutes away.

12. At approximately 10:38 p.m., BERNAL arrived in a blue/green vehicle at the parking lot of the La Quinta motel, on San Antonio Ave NE, Albuquerque, NM. Accompanying BERNAL were two other subjects later identified as Ricardo MENDEZ and Martin SOLIS.

13. BERNAL approached DOMINGUEZ's car and wanted to get into her car. DOMINGUEZ told BERNAL her friend did not know anything about what was going on and did not want him to get into her car. BERNAL told DOMINGUEZ, get into the front seat of his car and to give the package to the driver. The driver of the car was MENDEZ. DOMINGUEZ got into the front seat of BERNAL's car and placed the package of substitute cocaine under the front seat. *SOLIS was seated in the back of the car at the time that DOMINGUEZ put the package under the front seat.*

14. At approximately 11:30 p.m., BERNAL, MENDEZ and SOLIS were arrested. The rear seat was loose and the substitute package of cocaine was found under the left rear seat where SOLIS was sitting.

W. J. Martinez Judge

Rene Cerda

Rene Cerda
Senior Special Agent
U.S. Customs Service